

HCS SB 299 -- RELATING TO REAL PROPERTY

SPONSOR: Curls (Corlew)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on General Laws by a vote of 8 to 4.

This bill modifies provisions relating to real property.

ABANDONED PROPERTY IN KANSAS CITY

This bill allows a person who is not the owner of real property in Kansas City or who is a creditor holding a lien interest on the property, and who suspects that the real property may be abandoned, to enter the premises to visually inspect the property to determine whether it is abandoned. If the person makes a good faith determination based on the inspection that the property is abandoned, the person may secure the property, remove trash or debris from the grounds, landscape, maintain, or mow the grounds, and remove or paint over graffiti. This bill defines what it means for a property to be "abandoned." Such person is immune from claims of civil and criminal trespass and all other civil liability, unless the act or omission constitutes gross negligence or willful, wanton, or intentional misconduct. In the case of real property that is subject to a mortgage or deed of trust, the creditor holding the debt secured by the mortgage or deed of trust may not enter the premises of the real property if entry is barred by an automatic stay issued by a bankruptcy court (Section 82.462, RSMo).

This is the same as SB 742 (2016) and similar to SB 228 (2015).

SPECIFIC BREEDS OF DOGS

The General Assembly occupies and preempts the entire field of legislation touching in any way the control or regulation of specific breeds of dogs. However, a village, town, political subdivision, or city can still prohibit dogs from running at large or to further control or regulate dogs within its boundaries so long as the ordinance, order, policy, or regulation is not breed specific (Section 67.142).

This is the same as HB 905 (2017).

SAWMILLS

This bill requires that, for purposes of property zoning classifications, sawmills must be classified as agricultural property (Sections 64.002, 65.702, and 89.020).

This is the same as HB 719 (2017).

FIREARMS LIABILITY

This bill makes a business that posts signs prohibiting concealed firearms liable for injuries or damages sustained by individuals, who would otherwise be authorized to carry firearms, while on the premises of that business. By posting signs prohibiting firearms the business would assume a duty to defend its customers. The business would be held responsible for the intention or reckless conduct of third parties, including trespasser and wild or vicious animals. The bill authorizes the injured individual to sue the business and if successful, recover attorneys' fees, expert witness costs, and court costs (Section 571.069).

This is similar to HB 2663 (2016).

PROPONENTS: Supporters say that this is a good samaritan bill. It allows neighbors to clean up abandoned property for the benefit of the entire neighborhood.

Testifying for the bill were Senator Curls and the City of Kansas City.

OPPONENTS: There was no opposition voiced to the committee.